



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Baxter Healthcare Corporation  
Bradford R.L. Price, Fenwal Division RLP-30  
Route 120 and Wilson Road  
Round Lake IL 60073

**COPY MAILED**

MAR 29 2007

**OFFICE OF PETITIONS**

In re Application of  
VANDLIK et al  
Application No. 10/765,498  
Filed: January 26, 2004  
Attorney Docket No. F-5489 CIP 2 CON

: DECISION NOTING JOINDER OF  
: INVENTOR AND REQUEST UNDER  
: 37 CFR 1.48(c)

This is in response to the REQUEST FOR RECONSIDERATION filed on June 12, 2006 along with the addendum filed on June 23, 2006 pertaining to a Petition Pursuant to 37 CFR 1.183, Requesting Waiver of Requirement 37 CFR 1.64, that Original Inventor (Kelly B. Smith) Execute New Oath or Declaration When New Inventors are Added with Assignee's Consent mailed December 9, 2006. This is also in response to the Request for Correction of Inventorship filed on August 4, 2005.

The petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.64 is **DISMISSED AS MOOT**.

The papers filed on June 23, 2006 included a Declaration signed by a previously non-signing inventor, KELLY B. SMITH, and therefore is in compliance with 37 CFR 1.63. In view of the joinder of the inventor, further consideration under § 1.183 Requesting Waiver of 37 CFR 1.64 is not necessary.

The Request for Correction of Inventorship under 37 CFR 1.48(c) is **GRANTED**.

In view of the papers filed on August 4, 2005, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(c). The inventorship of this application has been changed by the addition of inventors TOM WESTBERG and ROHIT VISHNOI.

This application is being referred to Technology Center Art Unit 3761 for appropriate action.

Telephone inquiries should be directed to Amelia Au at (571) 272-7414.



Frances Hicks  
Petitions Examiner  
Office of Petitions

Attachment: Corrected Filing Receipt



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/765,498	01/26/2004	3761	3060	F-5489 CIP 2 CON	8	1

CONFIRMATION NO. 2510

CORRECTED FILING RECEIPT



\*OC000000023157443\*

Baxter Healthcare Corporation  
Bradford R.L. Price, Fenwal Division RLP-30  
Route 120 and Wilson Road  
Round Lake, IL 60073

Date Mailed: 03/29/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Mark R. Vandlik, Mundelein, IL;  
Michael J. Kast, Evanston, IL;  
Kelly B. Smith, Gurnee, IL;  
Tom Westberg, Gurnee, IL;  
Rohit Vishnoi, Deerfield, IL;

## Assignment For Published Patent Application

Baxter International Inc.

## Power of Attorney:

Allan Maki--20623	Joseph Kromholz--34204
Gary McFarron--27357	Michael Mayo--38545
Bradford Price--29101	John Manion--38957
Daniel Ryan III--29243	Daniel Johnson--46204
David Lesht--30472	Laura Dable--46436

## Domestic Priority data as claimed by applicant

This application is a CON of 09/976,833 10/13/2001 PAT 6,709,412  
which is a CIP of 09/389,504 09/03/1999 PAT 7,041,076

## Foreign Applications

If Required, Foreign Filing License Granted: 05/01/2004

The country code and number of your priority application, to be used for filing abroad under the Paris

**Convention, is US10/765,498**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Blood processing systems and methods that employ an in-line, flexible leukofilter

**Preliminary Class**

604

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).